

Appl. No. 10/579,569
Amdt. dated September 17, 2009
Reply to Final Office action of May 26, 2009

REMARKS

Claims 11, 13, 14, 16-18, 20, 22, 26 and 28-30 are presently in the application.

Claims 1-10, 12, 15, 19, 21, 23-25 and 27 have been canceled.

Applicants' point out that the Office action mailed on May 26, 2009, contains a rejection of claims 14, 16 and 17 that was not necessitated by the previous amendment. Applicants note that this is a new ground of rejection for claims 14, 16 and 17. Accordingly, the Office action mailed on May 26, 2009 should not have been made final. Withdrawal of the finality of the Office action mailed on May 26, 2009, is requested.

Claims 11, 13, 14, 16-18, 20, 22, 26 and 28-30 stand rejected under 35 U.S.C. 112, second paragraph, as indefinite.

The examiner finds the double references to "a low-pressure conduit" and to "a high-pressure conduit" indefinite because it is not clear if these are different conduits.

Claim 11, as previously presented required:

the low-pressure sides of the piston pumps in the first pump unit being connected hydraulically to one another by a low-pressure conduit and the high-pressure sides of the piston pumps in the first pump unit being connected hydraulically to one another by a high-pressure conduit, the low-pressure sides of the piston pumps in the second pump unit being connected hydraulically to one another by a low-pressure conduit and the high-pressure sides of the piston pumps in the second pump unit being connected hydraulically to one another by a high-pressure conduit

Applicants' specification teaches low-pressure connecting conduits 32, 33 and high-pressure connecting conduits 36, 37. The low-pressure connecting conduits 32, 33 connect the low-pressure sides, oriented toward the cam 26a, b, of the respective interconnected

Appl. No. 10/579,569

Amdt. dated September 17, 2009

Reply to Final Office action of May 26, 2009

piston pumps to one another, and the high-pressure connecting conduits 36, 37 correspondingly connect the high-pressure sides that are located facing away from the cam 26a, b. As seen in Fig. 4, the piston pumps 76a, 76b and 76e in the first pump unit 30a are connected hydraulically to one another by a low-pressure conduit 32 and the high-pressure sides of the piston pumps in the first pump unit are connected hydraulically to one another by a high-pressure conduit 36. The piston pumps 76c, 76d and 76f in the second pump unit 30b are connected hydraulically to one another by a low-pressure conduit 33 and the high-pressure sides of the piston pumps in the second pump unit are connected hydraulically to one another by a high-pressure conduit 37. This is exactly what previously presented claim 11 recited.

While applicants do not understand why the previous language is indefinite, in order to satisfy the examiner, claim 11 has been amended to overcome the rejection by reciting first and second low-pressure conduits (conduits 32 and 33) and first and second high-pressure conduits (conduits 36 and 37).

The examiner also finds the language “in the range of” as used in claims 14, 16 and 17 indefinite. This particular language has been canceled in these claims.

In view of the above, the withdrawal of the section 112, second paragraph, rejection is requested.

Claims 11, 13, 14, 16-18, 20, 22, 26 and 28-30 again stand rejected under 35 U.S.C. 103(a) as unpatentable over Willmann et al (US 6,446,435) in view of Nakazawa (US 6,065,816).

Appl. No. 10/579,569

Amdt. dated September 17, 2009

Reply to Final Office action of May 26, 2009

Claim 11 requires, inter alia: (1) a plurality of piston pumps, which are combined hydraulically by means of connecting conduits in the pump housing into first and second pump units to supply two hydraulically separate hydraulic circuits with pressure fluid, the low-pressure sides of the piston pumps (plural) in the first pump unit being connected hydraulically to one another by a first low-pressure conduit and the high-pressure sides of the piston pumps (plural) in the first pump unit being connected hydraulically to one another by a first high-pressure conduit, the low-pressure sides of the piston pumps (plural) in the second pump unit being connected hydraulically to one another by a second low-pressure conduit and the high-pressure sides of the piston pumps (plural) in the second pump unit being connected hydraulically to one another by a second high-pressure conduit; (2) an eccentric unit comprising at least two axially spaced apart cams; and (3) at least one of the piston pumps, combined hydraulically into a pump unit, is actuated by a different cam from the respective other piston pumps of the corresponding pump unit.

What the examiner's rejection lacks is a clear explanation of why, given the teachings in Nakazawa, one of ordinary skill in the art would have modified Willmann et al by placing one of the pump units located at 0°, 120° and 240° (Circuit II) at one cam and the other two pump units of Circuit II at a second cam or one of the pump units at 30°, 150° or 270° (Circuit I) at one cam and the other two pump units of Circuit I at a second cam in order to obtain the invention actually defined by claim 11.

It is well established that the mere existence of individual features in the prior art is not in itself sufficient basis to render a claimed invention obvious under 35 U.S.C. § 103.

Connell v. Sears, Roebuck & Co., 722 F.2d 1542, 1548 220 USPQ 193,199 (Fed. Cir. 1983).

Appl. No. 10/579,569
Amdt. dated September 17, 2009
Reply to Final Office action of May 26, 2009

As set forth in MPEP 2141,

The key to supporting any rejection under 35 U.S.C. 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious. The Supreme Court in *KSR* noted that the analysis supporting a rejection under 35 U.S.C. 103 should be made explicit. The Court quoting *In re Kahn*, 441 F.3d 977, 988, 78 USPQ2d 1329, 1336 (Fed. Cir. 2006), stated that "[R]ejections on obviousness cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." *KSR*, 550 U.S. at ___, 82 USPQ2d at 1396.

In the present case, the examiner's rationale is that it would have been obvious to rearrange the individual brake circuits of Willmann et al in two separate planes of the pump housing, with two separate cams, as taught by Nakazawa, in order to reduce the amount of wear on the cam. In other words, it is the examiner's position that it would have been obvious to associate the individual pumps in Willmann's brake circuit I with one cam and the individual pumps in Willmann's brake circuit II with a second cam in order to reduce the amount of wear on a single cam.

Assuming, for the sake of argument, that the examiner is correct, the resulting device that one of ordinary skill in the art would have arrived at would not have included all of the features specified in applicants' claim 11.

Claim 11 requires that "at least one of the piston pumps, combined hydraulically into a pump unit, is actuated by a different cam from the respective other piston pumps of the corresponding pump unit."

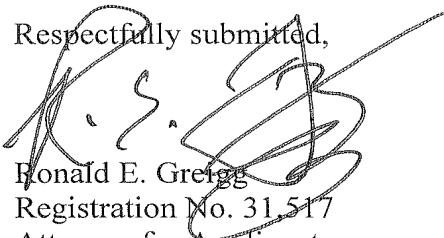
The examiner finds that it would have been obvious to associate the piston pumps located at 0°, 120° and 240° (brake circuit II) at one cam and to associate the piston pumps

Appl. No. 10/579,569
Amdt. dated September 17, 2009
Reply to Final Office action of May 26, 2009

located at 30°, 150° and 270° (brake circuit I) at a second cam. However, arranging all of the individual pumps in Willmann's brake circuit I with one cam and all of the individual pumps in Willmann's brake circuit II with a second cam does not meet the claimed requirement that at least one of the piston pumps, combined hydraulically into a pump unit, is actuated by a **different cam** from the respective other piston pumps of the same pump unit. For this reason, the invention defined by claim 11 is not rendered obvious by the combined teachings of Willmann et al and Nakazawa.

The Commissioner is hereby authorized to charge any necessary fees in connection with this communication to Deposit Account Number 07-2100.

Entry of the amendment and allowance of the application are respectfully requested.

Respectfully submitted,

Ronald E. Greigg
Registration No. 31517
Attorney for Applicants
CUSTOMER NO. 02119

GREIGG & GREIGG, P.L.L.C.
1423 Powhatan Street
Suite One
Alexandria, VA 22314

Tel. (703) 838-5500
Fax. (703) 838-5554

REG/JFG/ncr
J:\Bosch\R306941\Reply to 5-26-09 FINAL OA.doc